

## **REMARKS**

### **Claim Rejections – 35 USC §112**

Claim 5 has been amended to replace the term “linked proxy” with the term “media proxy”. Applicants therefore submit that, as there is antecedent basis for the term “media proxy”, the claims comply with the requirements of 35 USC §112.

### **Claim Rejections – 35 USC §103**

O'Brien describes a VoIP system where the closest media proxy server residing in a VoIP network is identified when a call connection request occurs. The closest media proxy server may be identified using one of several methods such as “a series of pings or trace routes to determine which call signaling and media proxy server residing in the VoIP network represents the closest or shortest path, or which call signaling and media proxy server has the most reliable connection” (Paragraph 32).

Perkins describes a system where a plurality of paths are identified between two endpoints involved in a communication. Possible paths are identified using a link matrix and then paths with nodes that have a VoIP proxy implemented are identified to allow for path diversity between the two endpoints (Column 36 lines 8 to 28).

The Examiner contends that the skilled person would combine the teachings of O'Brien, Perkins and Wu to arrive at the subject matter of amended Claim 1. Applicants respectfully disagree.

The skilled person, upon reading O'Brien and Perkins, would learn that to effectively set up a connection between a first endpoint and a second endpoint a plurality of paths through the network each path having at least one node with a VoIP proxy. The VoIP proxy to be used being identified by pings or trace routes.

In Perkins the plurality of data paths between the first and second endpoint are present to reduce loss of packets. In Wu, a client is connected to a media proxy according to the proxy's workload. The other possible pathways using different proxies are discarded and no packets are transmitted through the network. Therefore Applicants submit that the teachings of Perkins and Wu are mutually exclusive and that there is no motivation for the skilled person to combine the teachings of O'Brien and Perkins with the disclosure of Wu.

Furthermore Applicants submit that, even if one skilled in the art did combine the teachings of Wu with those of O'Brien and Perkins, which is not admitted, none of the cited references disclose, teach or even suggest selecting from a plurality of media proxies linked to a node in a list as recited in Claim 1. Rather, both O'Brien discloses a method for identifying a media proxy to be used on a path between endpoints. In contrast Wu describes choosing between two different paths between endpoints based upon the workload of the proxies associated with that path. Nowhere does O'Brien or Wu disclose a node having two or more media proxies connected to it.

Applicants therefore submit that none of the references cited by the Examiner disclose a "plurality of media proxies being linked to the node in a list" and "selecting a media proxy from the list" as recited in Claim 1.

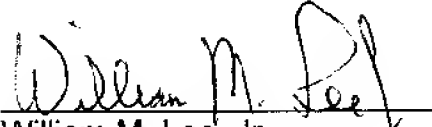
Applicants therefore submit that Claim 1 is new and non-obvious in view of the combination of O'Brien, Perkins and Wu.

Claims 7 to 17 are new. Applicants submit that independent Claims 12, 16 and 17 are all novel and non-obvious for at least the reasons given above. Applicants further submit that the dependent claims are novel and non-obvious at least by virtue of their dependencies.

Given the above, it is submitted that the application is now in condition for allowance. Such action is thus solicited.

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Respectfully submitted,



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